IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

WP(C).No. 33736 of 2007(N)

PETITIONER:

C.V.SURESH KUMAR, S/O.VELAPPAKUTTY,
CHETHIKKATTIL HOUSE, KIZHAKKEMURI,
THRISSUR DISTRICT.

BY ADV. SRI.K.RAMESH

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
CHIEF SECRETARY, TRIVANDRUM.

2. THE ASSISTANT EXCISE COMMISSIONER,
PALAKKAD.

3. THE EXCISE COMMISSIONER, TRIVANDRUM.

BY GOVERNMENT PLEADER SMT. ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.33736 of 2007-N

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Dated this the 6th day of December, 2007.

JUDGMENT

1.Heard the learned counsel for the petitioner and the learned senior Government Pleader.

2.In so far as the issue raised in this writ petition is concerned, as of now, Ext.P4 judgment of this Court holds the field, though the State has preferred SLP against that judgment before the Apex Court.

3.Under the aforesaid circumstances, the impugned demand made against the petitioner shall not be enforced and his liability would be subject to the result of the SLP of the State and any consequential appeal, against Ext.P4. The security furnished by the petitioner will be

released on executing an unconditional undertaking to satisfy the demand subject to the result of the SLP/Civil Appeal, as aforesaid.

The writ petition is disposed of in the above terms.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

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